

**Semi-enclosed Mediterranean and open sea. What legal
status do we have and what demarcations have been made?**

Manolis Tsiouvalas

[DOI:10.5281/zenodo.14296362](https://doi.org/10.5281/zenodo.14296362)

Follow this and additional works at:

<https://ayil.rf.gd/index.php/home>

Recommended Citation

Tsiouvalas, M. (2024). Semi-enclosed Mediterranean and open sea. What legal status do we have and what demarcations have been made?. *American Yearbook of International Law*, vol. 3, 1640-1711, Article 24

Available at:

<https://ayil.rf.gd/index.php/home/issue/current>

This article is brought to you for free and open access by CEIJ. It has been accepted for inclusion in American Yearbook of International Law. For more information, please contact: AYIL@usa.com

Semi-enclosed Mediterranean and open sea. What legal status do we have and what demarcations have been made?

[DOI:10.5281/zenodo.14296362](https://doi.org/10.5281/zenodo.14296362)

Manolis Tsiouvalas, PhD in international law. Lawyer, US

Abstract: The question is not whether the Mediterranean is an open sea and whether there is a special legal status, but the configuration of its demarcation between the coastal states, that create the Mediterranean zone, and especially in recent years what kind of legal status they have applied. The basic premise for the analysis and development of the law of the sea is UNCLOS, as a manual of analysis, on which several coastal states relied, as we will see in the present study, to delimit zones within an internal law that obeyed international, customary rules and a law of its own sea, where many times the dictates of a political nature, do not follow the rules of justice.

Keywords: UNCLOS; ICJ; Mediterranean; law of the sea; international law; customary law; EEZ; high seas; environmental protection; fisheries protection; delimitation of zones; energy policy and protection; continental shelf; right of

way; baselines; equidistance; seas scientific research; coastal state; natural resources; hydrocarbons; coastal zone; exclusive economic zone; exclusive fishing zone; ecological protection zone; archaeological zone; temporary ecological zone.

Introduction

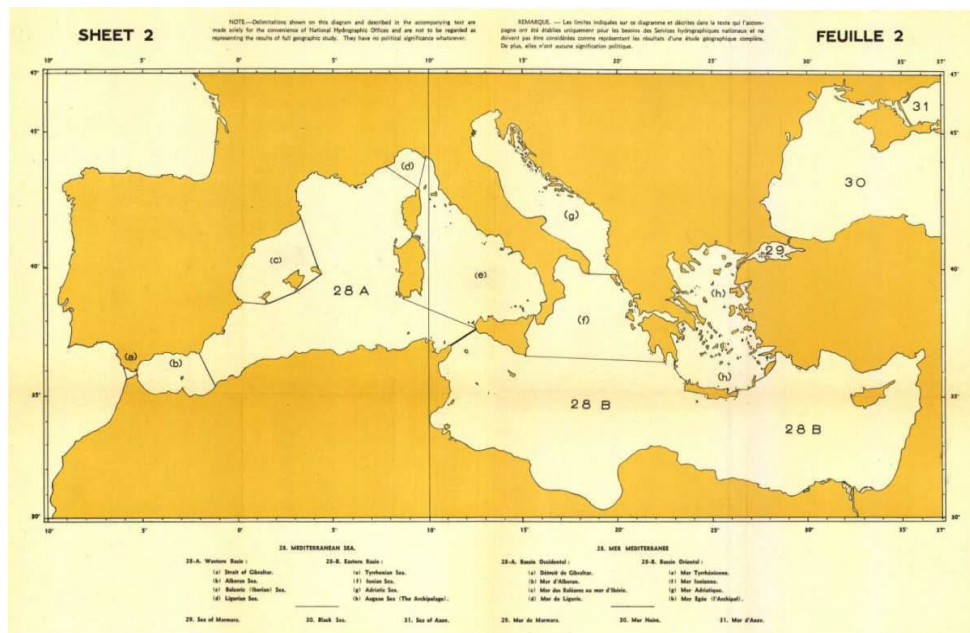
Trying to define and understand the maritime area of the Mediterranean, we must first determine what its limits are. We are talking about a sea area that encompasses an area of 2,500,000 km², as well as a coastline that includes a length of 22,500 kilometers, thus embracing a meeting point of three different continents, namely Europe, Asia and Africa (Grbec, 2013). As far as its depth is concerned, it ranges at 1,500 meters, with its deepest point being in the Frear of Oinoussa southwest of Pylos and reaching 5,267 meters.

The Mediterranean includes Gibraltar at its westernmost tip and then the Atlantic begins. From the northeast it reaches the Dardanelles, the Propontis and the Black Sea, which are called and are distinct seas, while its easternmost end is the Suez Canal, which connects the Red Sea and the Indian Ocean. From the western side we have a length that reaches 3,500 kilometers and includes the coasts of Liguria to Tunisia and a width that reaches 800 kilometers (Grbec, 2013).

The western Mediterranean basin includes a) the Alboran Sea enclosed between Spain and Morocco, b) the Balearic Sea, between Spain and the Balearic Islands, c) the Ligurian Sea and the Tyrrhenian Sea, i.e. the north side of Italy to the islands of Corsica, Sardinia and Sicily.

As for the eastern Mediterranean basin, they include: a) the Adriatic Sea, b) the Ionian Sea and c) the Aegean Sea (Rubin, Eiran, 2019).

Map 1: Eastern Mediterranean basin



Source: IHO (1953). Available on the website: <https://epic.awi.de/29772/1/IHO1953a.pdf>

The well-known large islands of the Mediterranean are Sicily, Crete, Malta, Cyprus as well as other smaller clusters such as the islands of the Aegean Sea, and those in the coasts of Dalmatia (Briscoe, Prows, 2014). The Mediterranean also includes twenty countries whose shores are wet, including Gibraltar, which since 1704 has been under the occupation of the United Kingdom. Also, since 1960 there have been military bases on the cape and in the area of Dekelia in Cyprus. A common point throughout this stretch of the Mediterranean and the main regulator is the right of the middle sea under UNCLOS.

In this zone are also included other states such as Turkey, Israel, Libya, Syria which, despite not having signed the treaty on the law of the sea, take part in accordance with the provisions and rules of the customary law of the sea.

However, the island networks as well as the geographical shape that many of them have make the application of the rules for the delimitation of the maritime zones are subject of continuous disputes mainly of a political nature and then of a legal nature between the neighboring states (Oude Elferink, Henriksen, Busch, 2018).

The Mediterranean Sea has been characterized as a semi-enclosed sea (Alexander, 1977). This is a finding that is based and proven by Part IX of UNCLOS. What every student of the law of the sea realizes is that the Mediterranean is closer than

200 nm. As far as the legal status is concerned, it corresponds to a scheme of maritime zones established by UNCLOS (Treves, 2012). Regarding the extent and nature of the maritime zones, there is a legal title available from the coastal states (Scovazzi, 2016).

The extension of the maritime zones does not allow the jurisdiction of the Mediterranean state to extend the sovereign rights, where the coasts exercise the sovereign rights (Schofield, 2013). The determination of the continental shelf and the Exclusive Economic Zone as well as other potential zones do not secure the maritime limits of all states (Treves, 2012). Maritime zones are pending and settled in accordance with international law and the referral of the dispute to an international court (Jensen, 2020). The subsoil of the Mediterranean as part of the continental shelf is not part of a clear declaration¹. Rights on the continental shelf *ispo facto* and *ab initio* are accepted through jurisprudence (Liakopoulos, 2020)².

In practice, in the Mediterranean, in accordance with Article 76 (8) UNCLOS (Tanaka, 2023), the continental shelf of a coastal state shall not extend beyond the 200 nautical miles from the baselines from which the breadth of the territorial sea is measured (Byers, Østhagen, 2018). This means that no part of

¹See Art. 77 (3) UNCLOS.

²ICJ, North Sea Continental Shelf, Judgment, ICJ Reports 1969, par. 19.

the subsoil of the Mediterranean falls within the jurisdiction of the Seabed Commission as it is an area, that is beyond the limits of national jurisdiction (Treves, 2012). What we are mainly interested in are Articles 122 and 123 of UNCLOS on the enclosed and semi-enclosed seas. Initially, the unilateral practice of the coastal states regarding the establishment of maritime zones for delimitation is examined, as well as the action of the states that govern the Mediterranean maritime space.

Enclosed and semi-enclosed seas according to UNCLOS

Problems related to closed and semi-closed seas started after the signing of UNCLOS III, since their regulation did not concern the international community and the extension of their jurisdiction to maintain the status quo of an open sea and partial freedoms was related to navigation³. The subject of enclosed and semi-enclosed seas is linked to issues of an economic, political, geological and ecological nature, as well as to coasts that are wetted by the ocean and by any such type of sea⁴. Consequently, such seas are related to the management of the living resources of the water column and the undersea natural resources of the seabed and subsoil, with demarcation problems that concern the shipbuilder as well as pollution⁵.

³UN, DOC. A/CONF. 62/L. 8/REV. 1

⁴UNDOC. A/Conf.62/C.2/SR.38 of 13 August 1974, par.. 22.

⁵UNDOC. A/Conf.62/C.2/SR.38, op. cit., parr. 35-36: “(...) those maritime spaces subject to special rules would be to resuscitate the Roman formula of mare

In Art. 122 UNCLOS the legal definition of enclosed and semi-enclosed seas is:

“(...) connected to another sea or ocean by a narrow channel, or consisting wholly or mainly of the territorial seas or exclusive zones of two or more coastal states (...)”.

These are matters of a political and geographical nature rather than a legal one, where the specific sea is surrounded by the shores of two or more states. It cannot automatically be characterized as a gulf, a basin, a closed, semi-closed sea as long as certain criteria, included in Art. 122 UNCLOS, are not met (Grbec, 2013). Enclosed, semi-enclosed sea is related to an ocean, a narrow channel where a basin, sea is surrounded by two or more states that constitute territorial seas, exclusive zones of most coastal states. As we understand Art. 122 UNCLOS is related to “declared EEZs or potential EEZs or other sui generis marine zones”.

The Mediterranean is an important part of a maritime area that is open, although these coastal states that surround the Mediterranean have not declared the relevant EEZ even if they have declared idiosyncratic (sui generis) marine zones. The relative protection from the ecological side of the closed and semi-enclosed seas proves, that the use of legal criteria falls under the category of closed or semi-enclosed seas, an area that makes political and legal considerations without actually

nostrum, with the consequent risk of establishing a mare clausum (...) there was no need to establish a new legal category to solve the problems that might arise (...)”.

declaring the EEZ and expanding its territorial waters (Grbec, 2013). Coastal states are surrounded by an enclosed or semi-enclosed sea, as they are recognized the right not only to have a coastal zone, but also to declare an EEZ, in accordance with Part V of UNCLOS.

Regarding Art. 123 UNCLOS:

“(...) states bordering an enclosed or semi-enclosed sea shall cooperate with each other in the exercise of their rights and the performance of their duties in accordance with this Convention (...) endeavor immediately or through a competent regional organization: a) to coordinate the management, research and exploitation of the living resources of the sea, b) to coordinate the fulfillment of their rights and obligations regarding the protection and preservation of the marine environment, c) to coordinate the policy of their scientific research and to undertake, where appropriate, joint scientific research programs in the region, d) to invite, as appropriate, other interested states or international organizations to cooperate with them in promoting the provisions of this article (...)” (Lucchini, Voelckel, 1990; Liakopoulos, 2021)⁶.

Bordering and interdependent states with a closed or semi-closed sea has to do with:

“(...) manifestation of sea regionalism (sea regionalism/regionalism at sea) (...)” (Rubin, Eiran, 2019).

The geographical conditions of enclosed or semi-enclosed seas cooperate with activities that have to do with the interests of other states in an enclosed or semi-enclosed sea (Grbec, 2013). The application of rules that govern the application of a special regime to the rights of coastal states create obligations for third states.

The cooperation of states bordering an enclosed or semi-

⁶Mox Plant case (Ireland v. United Kingdom), counter-memorial of the United Kingdom of 9 January 2003, par. 8.12.

enclosed sea is mandatory and uniform. According to the views of Nordquist and others (Nordquist, Grandy, Nandan, Rosenne, 1995), which Grbec (2013) agrees and cites, they conclude that Article 123 UNCLOS encourages cooperative efforts, since it includes a simple recommendation (Grbec, 2013). In parallel, Vukas (Vukas, 2004) argues that:

“(...) efforts by states to cooperate as a sui generis obligation (...) is based on the principle of good faith (bona fide), i.e. being more of a rule of conduct than a legal obligation (...)” (Scovazzi (1981).

Lucchini and Voelckel (1990) argue:

“(...) Art. 123 UNCLOS (...) being “un article sans vie” aims at the non-binding coordination of the activities of coastal states containing general instructions and recommendations to them (...)” (Lucchini, Voelckel, 1990).

According to Grbec:

“(...) the states bordering a closed or semi-enclosed sea are called to cooperate with each other in the exercise of their rights and the performance of their duties (...) appears broad, wanting to include in its scope the exercise of all rights, but also the fulfillment of all obligations arising from UNCLOS as towards states bordering an enclosed or semi-enclosed sea (...) coastal states of an enclosed or semi-enclosed sea must endeavor to coordinate all their rights and obligations which they are related to issues of management, research, exploitation of the living resources of the sea, protection and conservation of the marine environment, as well as issues of scientific research in the area (...) (Grbec, 2013)⁷.

Art. 123 UNCLOS sets basic recommendations related to the legal obligation but does not create a special and specific status for the enclosed and semi-enclosed seas regarding the delimitation of the maritime zones of the coastal states. Cooperation as a recommendation based on a climate of good faith of international actors regarding an enclosed or semi-

⁷See Art. 123 UNCLOS.

enclosed sea should be in accordance with Art. 300 UNCLOS⁸ as well as Art. 26 of the Vienna Convention on the Law of Treaties (Hollis, 2020)⁹, but without being legally binding.

Does the Mediterranean have an international legal status?

The geographical configuration that governs the Mediterranean as well as the marine zones have the impression of a mosaic. Art. 70 (2) UNCLOS includes states located in enclosed or semi-enclosed seas thereby distinguishing other seas, that enhance enclosed and semi-enclosed seas, that are not under special status.

The general rules of the law of the sea and customary law determine the extent of maritime zones excluding closed and semi-closed seas, such as the Mediterranean. There is no prohibition by the law of the sea for dimensions, that establish maritime zones, such as the EEZ and the limits imposed unilaterally and in a foreign state, as for example on objective or adjacent coasts (Scovazzi, 2016).

The demarcation of maritime zones cannot but affect the relations of states as it has an international dimension (Liakopoulos, 2020)¹⁰.

The complexity for a Mediterranean legal regime must include a

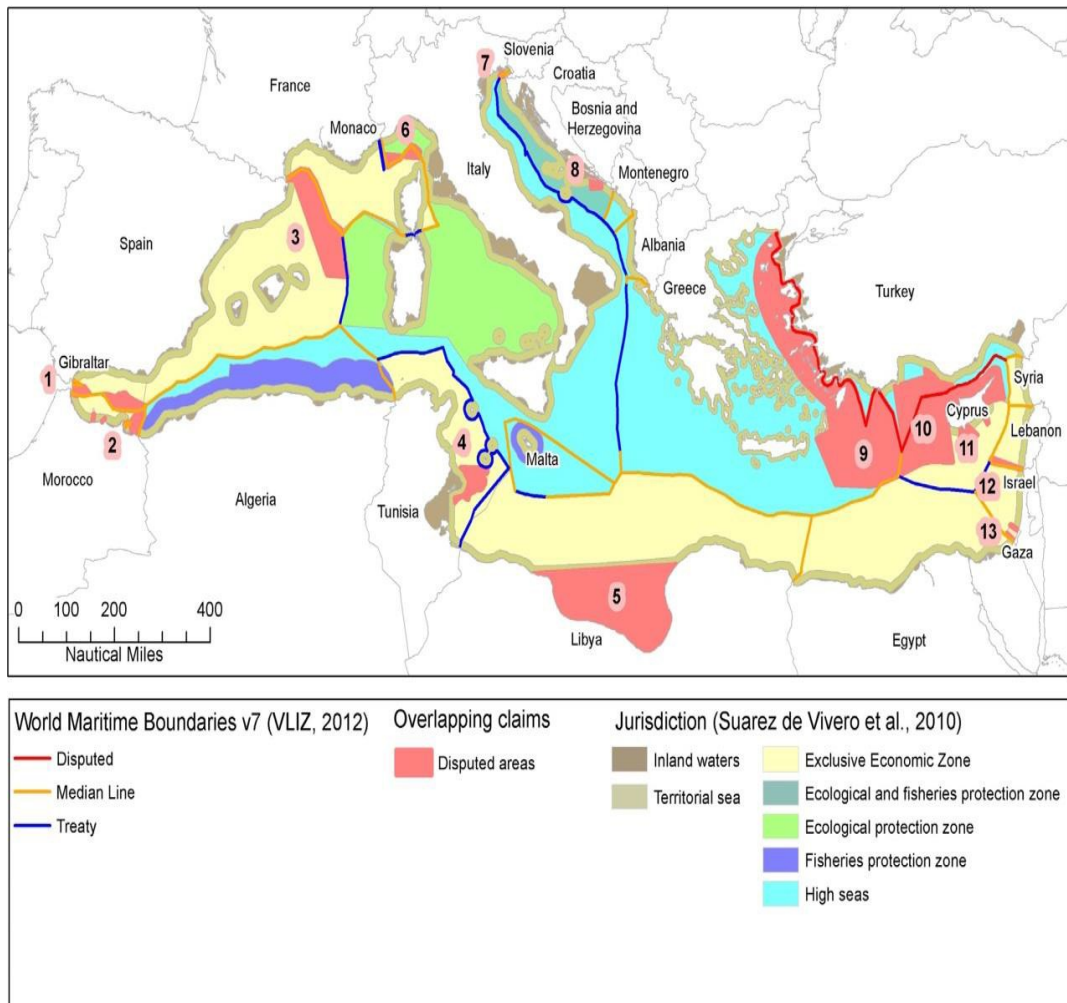
⁸See Art. 300 UNCLOS.

⁹See Art. 26 VCLT.

¹⁰ICJ, Fisheries case, Judgment of December 18th, 1951, ICJ Reports 1951, par. 132

specific scheme that has to do with unilateral acts of coastal states, that are related to maritime zones and the competences exercised within this context. As well as bilateral agreements on the delimitation of marine zones, that are formed within international regimes, where the institutionalization of cooperation at a regional level, protects fishing and the environment.

The delimitation of maritime zones has particularities and does not leave the agreement on the declaration of EEZ as well as the establishment of idiosyncratic (*sui generis*) zones, that have a functional nature without being clearly provided for by UNCLOS, such as exclusive fishing zones as well as zones, that are related to ecological protection. The inhomogeneity that is created in terms of the system of baselines as well as the coastal zone includes the situation that has to do with an open sea, where bilateral agreements continuously gain space and thus make the coastal states continue the relevant dialogue of cooperation with neighboring states.

Map 2: Maritime boundaries in the Mediterranean

Source: Suarez de Vivero et al., 2010

Baselines/internal waters with unilateral delimitation in the Mediterranean

The straight baseline has to do with the legal status of the internal waters of each state and not all the states of the Mediterranean immediately fall on a straight baseline¹¹. The United Nations in collaboration with the Marine Regions¹² of the Flanders Marine Institute (VLIZ), which include countries such as Albania, Algeria, Croatia, Cyprus, Egypt, France, Italy, Libya, Malta, Morocco, Spain, Slovenia, Tunisia and Greece, have drawn straight baselines trying to close off a series of bays and inland waters included in the Ionian Sea as well as the northernmost tip of the Ionian Islands Region reaching as far as Cape Tainaro in the Peloponnese.

As far as Turkey is concerned, a system of straight baselines from 1964 was abolished by an internal law in 1982¹³. In all cases we are talking about Mediterranean countries that have drawn straight baselines and have made the internal waters appear as historical gulfs. As for example the Gulf of Taranto in Italy, Libya that has closed the Gulf of Sirte with a baseline, that reaches 300 nm creating several legal and political issues in the international community.

¹¹18 (1)UNCLOS.

¹²Flanders Marine Institute (2019). Maritime Boundaries Geodatabase, version 11.

¹³See the Greek law n. 2674/1982 and the Table of claims to maritime jurisdiction (as at 15 July 2011).

The territorial sea of the Mediterranean

When we talk about the territorial sea we refer to 12 nm with exceptions that have to do with Gibraltar as well as the sovereign bases of the United Kingdom at Akrotiri and Decelia in Cyprus where it reaches until 3 nm (Scovazzi, 2016).

The territorial sea can be seen quite reduced, reaching 6 nm in Greece (Schmitt, 1996), as well as the length of the coasts reaching the Aegean Sea, while in the Ionian the relative extension reaches a range of 12 nm to the northernmost point of the Ionian Islands Region and Cape Tainaro at the southernmost tip of the Peloponnese¹⁴.

As far as Turkey is concerned, it maintains a reduced range of territorial waters that reaches the Aegean Sea, while along its Mediterranean and Black Sea coasts, the territorial sea extends up to 12 nm (Yiallourides, 2019).

The coastal zone of Bosnia-Herzegovina, which includes the Klek-Neum bay, is located within the internal waters of Croatia and does not reach the limits of 12 nm from baselines.

The bordering zone of the Mediterranean

When we refer to a contiguous zone in the Mediterranean, we are talking about a zone that includes a zone of 24 nm to implement relevant domestic and legal policies relating to the

¹⁴See the Greek law n. 4767/2021.

application of customs, fiscal, immigration or health laws and regulations¹⁵ as enacted by Algeria, Cyprus, Egypt, France, Malta, Morocco, Spain, Syria and Tunisia. Specifically, Algeria¹⁶, Cyprus¹⁷, France¹⁸ and Tunisia¹⁹ exercise a jurisdiction that has to do with the principle of protection of archaeological finds and historical objects located within the zone bordering of the archaeological zone in accordance with Art. 303 (2) UNCLOS.

Within this framework, Italy has established since 2004 a de facto archaeological zone²⁰, where the width and maritime area of the bordering zone, is unknown²¹, pursuant to the relevant immigration legislation of 2002 (Scovazzi, 2016).

¹⁵See Art. 33 UNCLOS.

¹⁶Presidential Decree No. 04-344 of 23 Ramadan 1425 (6 November 2004) Establishing a Zone Contiguous to the Territorial Sea.

¹⁷See Art. 4 of the cypriot law n. 63(I)/2004

¹⁸Loi n° 89-874 du 1 décembre 1989 relative aux biens culturels maritimes et modifiant la loi du 27 septembre 1941 portant réglementation des fouilles archéologiques.

¹⁹Loi n° 86-35 du 9 mai 1986, relative à la protection des biens archéologiques des monuments historiques et des sites naturels et urbains.

²⁰See Art. 94 of decreto legislativo of 22 January 2004: “(...) the archaeological and historical objects found at the bottom of the sea zone that extends to a width of 12 n.m. from the outer boundary of the intertidal zone are protected by the Rules relating to activities concerning the underwater cultural heritage of the UNESCO Convention for the Protection of the Underwater Cultural Heritage of 2001 (...)”.

²¹See the law of 30 July 2002, n. 189 entitled: “Amendment to the legislation on immigration and asylum”, which in art. 11 affirms that: “(...) in territorial sea or in the contiguous area, a ship, of which there is reasonable reason to believe that it is used or involved in the illicit transport of migrants, may stop it, subject it to inspection and, if elements are found that confirm the involvement of the ship in a traffic of migrants, seize it by taking it to a state port (...)”.

The exclusive Mediterranean Economic Zone

The practice of coastal states prior to UNCLOS results in the EEZ of coastal states codifying the legal status (Becker-Weinberg, 2014), where Mediterranean coastal states do not seem to take a relative position on the EEZ. Specifically, France established from 1976 its borders that reach up to the French-Belgian and French-Spanish borders, without, however, taking the Mediterranean coast into account²².

Spain in 1978 regarding the EEZ along the coasts in the Atlantic Ocean did not reach the Mediterranean²³. Absolutely no position from Italy, the former Yugoslavia and Albania for the EEZ, as well as for a related operational zone. On the other hand, Morocco²⁴ declared from 1981 the EEZ of 200 nm with force in the Atlantic Ocean and the Mediterranean, without any application to the Mediterranean waters and to enter into negotiations with neighboring states in order to delimit a Mediterranean EEZ (Chevalier, 2005; Arnaut, 2014).

Egypt, after the ratification of UNCLOS on 26 August 1983, decided to exercise the rights included in the provisions of parts V and VI of UNCLOS in the relevant EEZ located beyond the

²²Loi n° 76-655 du 16 juillet 1976 relative à la zone économique et à la zone de protection écologique au large des côtes du territoire de la République,

²³Ley 15/1978, de 20 de febrero, sobre zona económica.

²⁴Dahir n° 1-81-179 du 3 jomada II 1401 (8 avril 1981) portant promulgation de la loi n° 1-81 instituant une zone économique exclusive de 200 milles marins au large des côtes marocaines.

territorial waters of the Mediterranean and the Red Sea²⁵. The purpose was not to determine the boundaries of the Egyptian EEZ but the relative demarcation with Cyprus as it was done from 17 February 2003 based on the criterion of the middle line²⁶ (Del Vecchio Capotosti, 2008), with Greece on 6 August 2020 for the part that lies between the EEZ (Ntabali, Lawrence, 2023)²⁷.

In 2003 it was demarcated with Syria despite the fact that Syria is not a member of UNCLOS without this being an obstacle and declaring the EEZ in accordance with the principles of international customary law²⁸. Syria in accordance with articles 28 and 21 contained the relevant provisions with the EEZ. The maritime zone of Syria is fully consistent with the EEZ and does not have any idiosyncratic zone regarding variations that have to do with freedom of navigation, as well as the laying of submarine cables and pipelines that appear in the current provisions of UNCLOS (Grbec, 2013). We cannot speak clearly about delimitation in accordance with Law 28/2003 but about a

25LOS Bulletin, UN, No 3, 1984, par. 14. Agreement between the Republic of Cyprus and the Arab Republic of Egypt on the Delimitation of the Exclusive Economic Zone of 17 February 2003: <https://www.un.org/depts/los/LEGISLATIONANDTREATIES/STATEFILES/EGY.htm>

26Agreement between the Republic of Cyprus and the Arab Republic of Egypt on the Delimitation of the Exclusive Economic Zone, op. cit.

27See the agreement of August 6, 2020 between the Hellenic Republic and the Arab Republic of Egypt on the delimitation of the exclusive economic zone between the two states.

28LOS Bulletin, UN, No 55, 2004, par. 14.

legal framework that needs further internal legislation and elaboration.

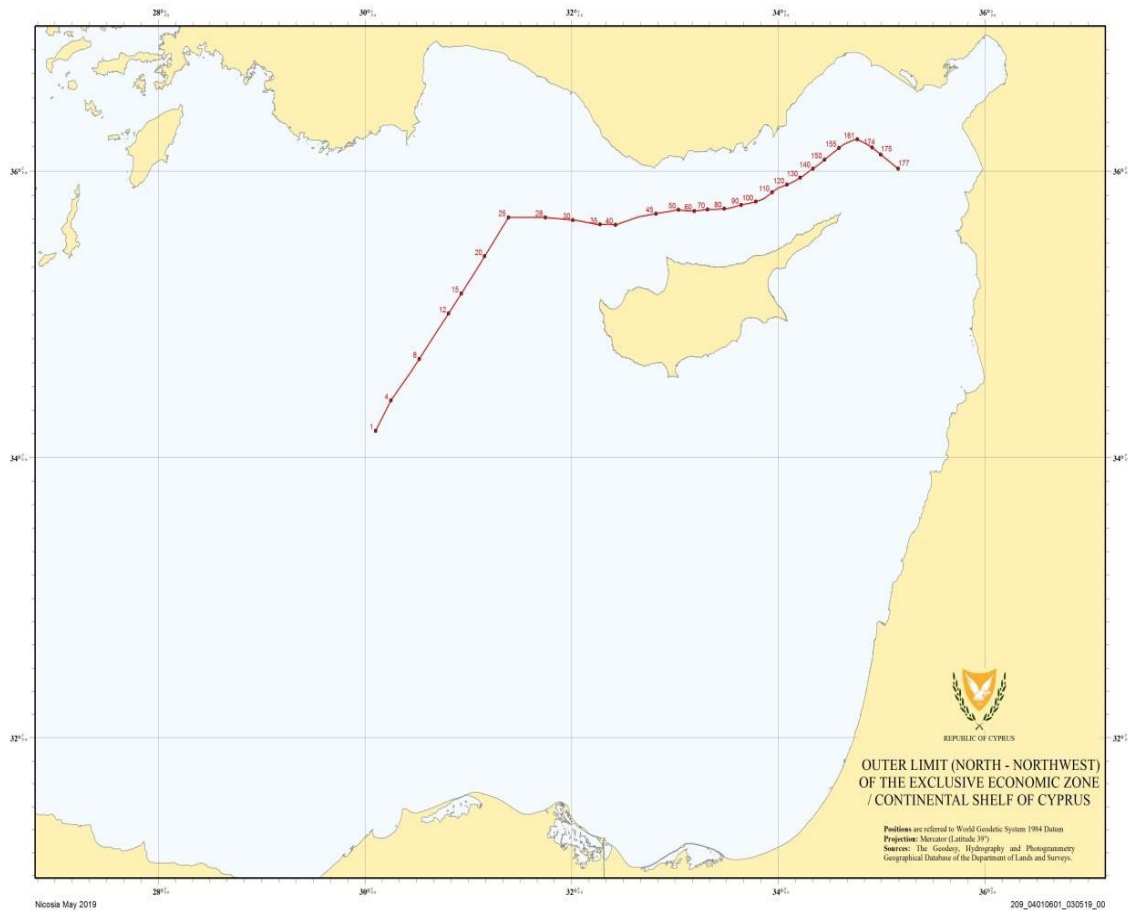
The Cypriot EEZ was established by the decree of 2 April 200²⁹, as well as the agreement of 17 February 2003 with Egypt regarding the delimitation of the EEZ. The relative content of sovereign rights and jurisdictions with Art. 56 (1) UNCLOS provides for Part VI of UNCLOS for the continental shelf as applied to the soil (bottom) as well as to the subsoil of the Cypriot EEZ. Specifically, article 3 of 2004 states:

“(...) the temporary limit of the Cypriot EEZ, with the first paragraph stating that this shall not exceed 200 nautical miles. from the baselines, while the second one regulates the cases where the Cypriot EEZ is overlapped by part of the EEZ of another state with relevant coasts, with priority given to a relevant delimitation agreement, in the absence of which the boundaries are determined based on the principle of the middle line/equal distance from the base lines (median line or equidistance line) (...)” (Nemeth, Mitchell, Nyman, Hensel, 2014).

On 4 May 2019, Cyprus submitted to the UN the list with the coordinates of the points that include the northern and northwestern limits in relation to the continental shelf/EEZ, where according to Art. 3 (2) of the Law of the Republic of Cyprus on the EEZ/Coastal Shelf, basis of agreement with the parties involved according to the middle line/equal line distance as baseline points that relate to the width of the coastal zone.

²⁹A Law to Provide for the Proclamation of the Exclusive economic Zone by the Republic of Cyprus (2 April 2004), LOS Bulletin, UN, No 55, 2004, par. 22-24.

Map 3: Outer limit (north-northwest) of EEZ/Continental Shelf of Cyprus



Source: https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/MAPS/CYP_MZN144_2019_00ill.jpg

EEZ declared by Tunisia in relation to Act 50/2005 of 27 June 2005³⁰:

“(…) the sovereign rights and jurisdictions exercised within the Tunisian EEZ, following almost to the letter the wording of Article 56 UNCLOS (…) way of implementing the relevant legislation remains to be determined by a decree, the issuance of which is still pending (Scovazzi, 2016) (…) the legislation establishing the Tunisian EEZ has the character of a framework law, which leads to the conclusion that the reduced in scope and limited in functional content exclusive fishing zone, declared by Tunisia in 1951, still remains in force within its existing limits even after the establishment of the EEZ (…)” (Grbec, 2013, Andreone & Cataldi, 2014).

With the decision n. 260 of the General People's Committee³¹, Libya decided on 31 May 2009 regarding the EEZ³², where in accordance with Article 1 of the Decision:

“(…) declared the Libyan EEZ, which is defined as extending beyond its borders of the territorial sea, providing at the same time that its external limits will be determined (…) in consultation with neighboring states in accordance with the procedures and on the basis of international law (…)”.

Libya exercises sovereign rights for the purpose of exploration and exploitation, the preservation and management of the living or non-living natural resources located in the waters above the seabed and its subsoil or that are continuous with other activities of economic exploitation and exploration of this zone, also having jurisdiction over this zone in accordance with the

³⁰Act No. 50/2005 dated 27 June 2005 concerning the exclusive economic zone off the Tunisian coasts, LOS Bulletin, UN, No 58, 2005, par. 19.

³¹Declaration concerning the exclusive economic zone of the Great Socialist People's Libyan Arab Jamahiriya, 27 May 2009; General People's Committee Decision No. 260 of A.J. 1377 (A.D. 2009) concerning the declaration of the exclusive economic zone, 31 May 2009, LOS Bulletin, UN, No 72, 2010, pag. 78-79.

³²Declaration concerning the exclusive economic zone of the Great Socialist People's Libyan Arab Jamahiriya, 27 May 2009; General People's Committee Decision No. 260 of A.J. 1377 (A.D. 2009) concerning the declaration of the exclusive economic zone, 31 May 2009, LOS Bulletin, UN, No 72, 2010, pag. 78-79.

international law.

Israel gave the UN Secretary General on 12 July 2011 the coordinates regarding the northern limits of its territorial sea and EEZ (Abadi, 2020)³³. Point 1 of the list between Israel and Cyprus on the delimitation of the EEZ and the lands was signed in 2010 without the possibility of revision for a more sophisticated and detailed agreement for the countries concerned. Israel states:

“(...) its coastal zone extends to 12 n.m. from the baselines, in accordance with its national legislation and international customary law of the sea (...) the entry into force of the 2010 EEZ delimitation agreement with Cyprus and in conjunction with the publication of the geographical coordinates (...)”.

Lebanon proceeded to pass the relevant law in accordance with Article 163 from 18 August 2011³⁴ (Grbec, 2013; Tziarras, 2016), in accordance with the Presidential Decree no. 6433 of 16 November 2011. The temporary limits of the Lebanese EEZ, the possibility of improving them, as well as modifying their geographical coordinates in the light of more detailed data, were foreseen³⁵.

France, by decree 2012-1148 of 12 October 2012³⁶, defined the

³³List of Geographical Coordinates for the delimitation of the Northern Limit of the Territorial Sea and Exclusive Economic Zone of the State of Israel in WGS84, LOS Bulletin, UN, No 76, 2011, par. 28.

³⁴The Legal Framework of Lebanon's Maritime Boundaries, par.. 9, <http://orientmontpelerin.ch/the-legal-framework-of-lebanons-maritime-boundaries/>

³⁵Decree No. 6433 Delineation of the boundaries of the exclusive economic zone of Lebanon, 16/11/2011.

³⁶Décret n° 2012-1148 du 12 octobre 2012 portant création d'une zone économique exclusive au large des côtes du territoire de la République en Méditerranée.

limits of the EEZ, which are distinguished and divided into two parts, the western and the eastern, as territorial waters of Corsica, as well as the limits of an ecological protection that existed even before the establishment of the relevant law³⁷.

With the royal decree no. 236/2013 of 5 April 2013 Spain established the EEZ setting as limits the beginning of the same distance between the Mediterranean coast and the eastern side related to the Cabo de Gata point, excluding the coasts of Morocco³⁸.

Spain then went ahead and gave the UN Secretary General the relevant list of the Mediterranean EEZ on 28 August 2018. The limits of Spain's EEZ specifically in the northwestern Mediterranean of France are related to the coverage of the Gulf of Leon (Scovazzi, 2016).

By presidential decree 18/96, Algeria on 20 March 2018 declared the relevant EEZ³⁹. Its coordinates were submitted to the UN Secretary General on 4 April 2018, but they did not follow the principle of equal distance. Its demarcation reaches

³⁷See article 2 of Decree 2012-1148 of 12 October 2012 which established France's EEZ in the Mediterranean. With the specific article, there is the possibility of modification for the limits according to an agreement that must be made between the neighboring states: “(...) l'article précédent seront modifiées, le cas échéant, en fonction des accords de délimitation qui seront conclus avec les Etats riverains conformément à l'article 74 de la convention des Nations unies sur le droit de la mer (...)”.

³⁸Real Decreto 236/2013, de 5 de abril, por el que se establece la Zona Económica Exclusiva de España en el Mediterráneo noroccidental.

³⁹Presidential Decree No. 18-96 of 2 Rajab A.H. 1439, corresponding to 20 March A.D. 2018, establishing an exclusive economic zone off the coast of Algeria.

the limits of the coastal zone. It includes the Balearic Islands and Sardinia, the EEZ of Spain, as well as the maritime zones where Italy has exclusive national interests.

The Palestinian Authority as “State of Palestine” and as a party to UNCLOS submitted the relevant declaration to the UN with the maritime zones that have jurisdiction in accordance with the law of the sea. On 24 September 2019, again, not as a state but as Palestine, it delivered unilaterally the relevant declaration, where the maritime zones included the declaration with six tables and a relevant map announcing that it will arrive until 24 nm.

The contiguous zone and the 12 nm of territorial waters determine the baselines that relate to the lower shallow line. The EEZ declared the right of the continental shelf as well as the delimitation of the maritime zones, which is extended in accordance with the principles of international law and the principle of equity (Delabie, 2018). With the single exception of Palestine, which was based on the equator and the middle distance due to the geographical position of its coasts (Ioannides, 2019).

The maritime zones of Palestine, Egypt and Israel are contiguous for this reason and Egypt stated that:

“(...) the maritime zones in which Palestine asserts its claims overlap its respective ones, infringing on sovereignty and its sovereign rights in the specific maritime area (...)”.

In parallel, Israel stated that the sovereign state is in accordance

with international law and maritime zones:

“(...) the establishment of maritime zones by Palestine also contradicts the agreements between them that clearly define the range of rights and obligations of the two parties in the specific maritime area (...)”.

This is a specific agreement, signed in Cairo on 4 May 1994 between Israel and the Palestine Liberation Organization (PLO), regarding the Gaza Strip as well as the area of Jericho⁴⁰. The delineation of the maritime zones presents, in accordance with Article V paragraph 1, subsection 1, the jurisdiction of Palestine which includes the territorial waters, as specifically stated:

“(...) territorial jurisdiction covers the Gaza Strip and the Jericho Area territory, as defined in Article I, except for Settlements and the Military Installation Area (...) territorial jurisdiction shall include land, subsoil and territorial waters (...) in accordance with the provisions of this Agreement (...)”.

⁴⁰Agreement between Israel and the Palestine Liberation Organization on the Gaza Strip and the Jericho Area: <https://peacemaker.un.org/israelopt-cairoagreement94>

Map 4: Maritime boundaries of the State of Palestine according to UN Convention on the law of the sea

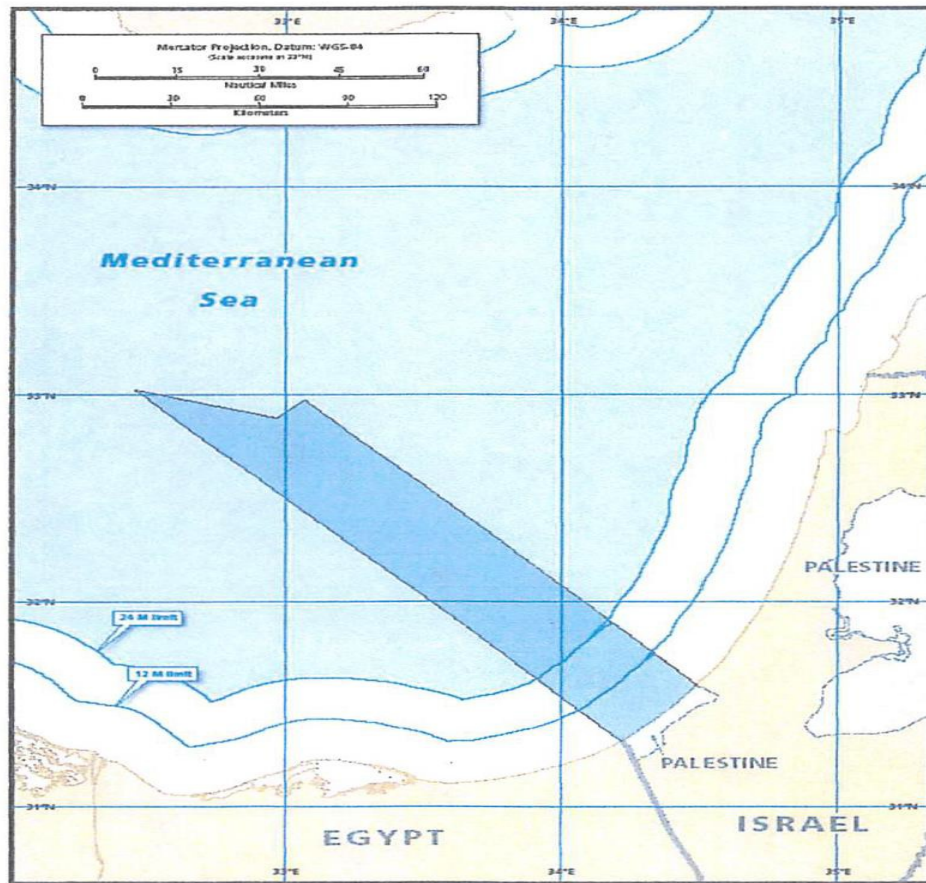
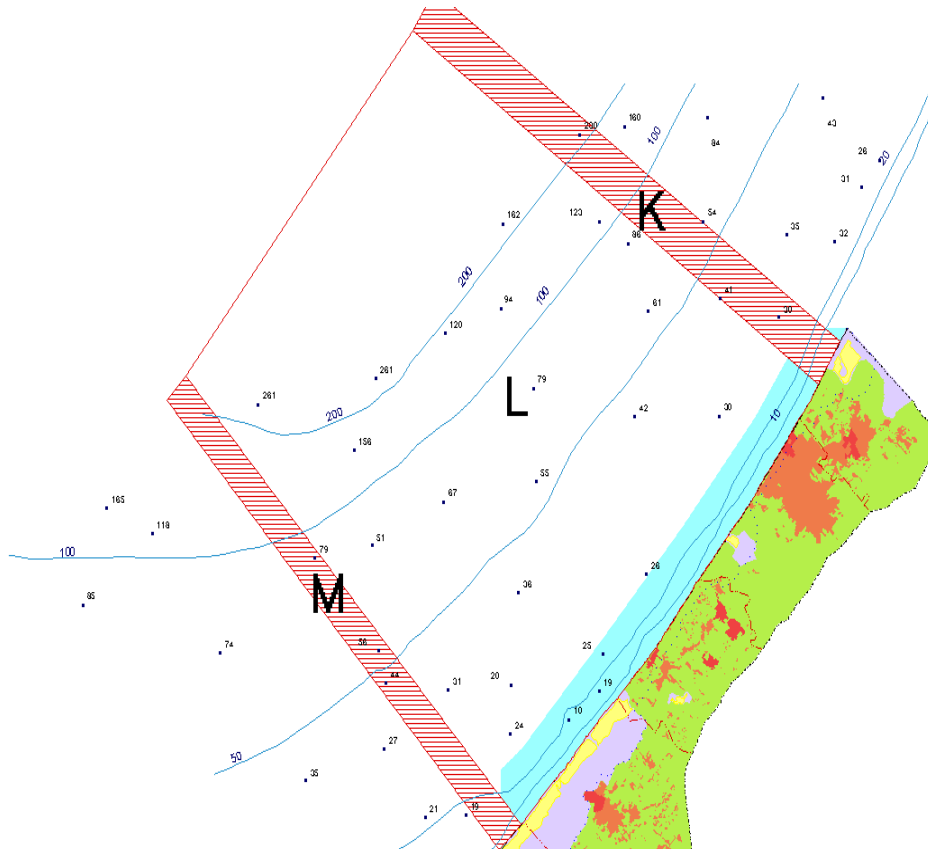


Figure 1

Source: https://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/PSE_Deposit_09-2019.pdf

Beyond what we understand from the above cases is that the relevant jurisdiction is not limited. According to Article XI of Annex I of the agreement, along the coastline and in the maritime area of the Gaza Strip, three long, vertical lines are defined towards the coast, i.e. Maritime Activity Zones, which are distinguished by the relevant distinguishing letters K, L, M, which reach up to a distance of 20 nm from the coast. As for the extreme zones K and M, with a range that reaches 1.5 and 1 nm we need to note that they are inaccessible to Palestine and its citizens because they are closed areas, where the right of navigation is in favor of the Israeli navy. As for economic and other maritime activities, such as fishing and recreation, they reach the intermediate zone L, where it extends up to 20 nm, i.e. from the coastline of the Gaza Strip (Scovazzi, 2012).

Map 5: Maritime Activity Zones from the coastline of the Gaza Strip



Source: Suárez de Vivero and others (2010)

Within this context, the 1994 agreement on the part of Palestine in the Gaza Strip⁴¹, is related to the political will of Israel. A fact

⁴¹See the Resolution adopted by the General Assembly on 29 November 2012, 67/19. Status of Palestine in the United Nations. See also the Permanent Sovereignty over Natural Resources General Assembly resolution 1803 (XVII), New York, 14 December 1962.

that prevents Palestine from having contacts with Egypt regarding the relative delimitation of maritime zones.

Slovenia, Croatia and Italy signed on 5 February 2021 the relevant declaration agreement for the EEZ in the Adriatic as well as the provision that Croatia, in accordance with its internal law, would have to proceed with a relevant ratification by the country's parliament (Sabor). The relevant EEZ was recognized by the legislation of the Mediterranean countries.

In fact, Albania from 4 April 2002 adopted the legal framework for the declaration of the EEZ (Grbec, 2013), Montenegro with the relevant law on the sea of 4 February 2008 takes into account the relevant possibility as well as Greece with the Law 2289/1995 (Government Gazette A'27) and its relevant amendment Law 4001/2011 (Government Gazette A'179).

Exclusive fishing zones and fishing protections

Another common point in Mediterranean countries was the declaration of Exclusive Fishery Zones-EFZ or fisheries protection zones (Fisheries Protection Zones-FPZ). These zones, as well as ecological protection zones (Ecological Protection Zones-EPZ) maintain a legal status based on international customary law with special jurisprudence (Liakopoulos, 2020)⁴². These are zones where the application of the legal principle plus

⁴²ICJ, Maritime Delimitation in the Area between Greenland and Jan Mayen, Judgment, ICJ Reports 1993, par. 52.

stat minus is legally permissible, particularly smaller for the operation of the coastal state's competences related to the EEZ (Andreone & Cataldi, 2014).

Exclusive fishing zones differ from the EEZ because they are part of the coastal state with special rights regarding the exploitation of fishing resources. The exclusive fishing zone⁴³, which includes other uses, is a part that guarantees the status of open sea (Attard, Mallia, 2014).

We note the case of Tunisia, which decided on the exclusive fishing zone from 1951⁴⁴. It is a zone guaranteed in the practice of states where the criterion for its determination is related to the 50 m isobath. It is located off the Gulf of Gabès and from Ras Kapoudia point (Djaziri, 2018) to the border with Libya. It includes exclusively the zone with the richest fishing grounds of the Mediterranean, the Mammellone. It is located off the coast of Sicily and to a short distance from the Italian islands of Lampedusa and Lampione.

Malta, by law in 1971, established a fishing zone of 12 nm, later extending it to 25 nm in 1978, beyond the perineal zone⁴⁵

⁴³This is an exclusive fishing zone that can reach 200 nm. which is created according to the baselines and from the classic fishing zone of 12 nm. this is how a zone of the sea is combined that reaches 6n.m. and a zone of exclusive fishing rights at 6.n.m. as adopted by the 1964 London Convention between 12 European States relating to the Fisheries Convention.

⁴⁴Decret du 26 juillet 1951 (22 chaoual 1370), portant refonte de la legislation de la police de la peche maritime.

⁴⁵See also the Act XXXII of 1971, as amended by Acts: XLVI of 1975, XXIV of 1978, XXVIII of 1981, I of 2002, X of 2005 and XXIX of 2014.

(Andreone, Cataldi, 2014). In 2005, the legal possibility was given by presidential decree to expand the scope of the fishing zone to include the facility related to the use of artificial islands, facilities beyond fishing, as well as the facility for the use of scientific research and for the preservation of the marine environment⁴⁶ including the characteristics that the EEZ also has.

Algeria in 1994 demarcated its exclusive fishing zone, beyond the territorial sea with a width of 32 nm, which reaches the western limit of its maritime borders up to the point Ras Ténés and up to 52 nm from Ras Ténés to the sea border located on the eastern border of the country⁴⁷.

Spain in 1997 with the Royal Decree no. 1315/1997 proceeded with a fisheries protection zone in the Mediterranean extending to Cabo de Gata and the maritime border with France⁴⁸. The purpose of the state was to delimit a specific zone that safeguards the interests of the fishing fleet and protects the fishing resources located off the Mediterranean coast for the

⁴⁶See Art. 56 (1) UNCLOS.

⁴⁷Legislative Decree No. 94-13 of 17 Dhu'lhijjah 1414, corresponding to 28 May 1994, establishing the general rules relating to fisheries, 22 June 1994.

⁴⁸Real Decreto 1315/1997, de 1 de agosto, por el que se establece una zona de protección pesquera en el mar Mediterráneo. According to Art. 56 UNCLOS in combination with Spanish royal decree n. 1315/1997 creates a narrower level of functional fishing protection zone (FPZ) which was created by Spain on the basis of sovereign rights where a coastal state has the full EEZ and it is not stated that this zone as well as Spain will have sovereign rights according to the generation of energy from sea waters, wind, currents and related jurisdiction according to article 56 (1) (a) (i-iii) UNCLOS.

activity of organized fishing fleets involving third countries. The country in question in the maritime space, due to the need to protect the fishery, tried to take under its jurisdiction, the Mediterranean coast of Morocco in the Alboran Sea.

The dispute between Spain and Morocco for Spanish sovereignty on the African coast (enclaves of Ceuta and Melilla) is presented in accordance with the geographical position of the small islands of the Moroccan coast (O'Reilly, 1999). The border in relation to France and Algeria was based on the use of the same distance given the possibility of reaction of the first questioning the permanence of declaring a zone where the demarcation takes place after an agreement in which the principle of equity is applied⁴⁹.

Italy made technical protests about mistakes made by Spain for this and the Spanish government of the time was forced to give a relevant list of fishing protection zones to the UN Secretary General and the Italian government⁵⁰.

Algeria did not present any other clarifications, objections regarding the Spanish FPZ as well as the Algerian maritime zones including the relevant part of the open sea⁵¹. With the

⁴⁹Statement of the position of the French Government with respect to the Spanish communication concerning the deposit of a list of geographical coordinates, par. 54.

⁵⁰List of geographical coordinates defining the limits set by Spain for the Fisheries Protection Zone established by Decree 1313/1997 of 1 August 1997, par. 101: "(...) number of technical errors were discovered in the list, the Spanish authorities have corrected those errors on the basis of the principle of equidistance, hence the need to deposit the corrected list, which is transmitted with this note (...)".

⁵¹EEZ from Algeria since 2018.

Royal Decree n. 236/2013 of 5 April 2013, the relevant EEZ of Spain was demarcated within the area of Mediterranean waters including the Spanish protection zone related to fishing and geographically and territorially absorbed by it (Scovazzi, 2016). With the decision of 24 February 2005, Libya proceeded to delimit the relative protection of fisheries in the Mediterranean zone⁵².

The Libyan zone, in accordance with article 1 of the declaration, was determined at 62 nm the Libyan ground waters. Libya, with the Decision no. 104 of 2005 adopted a system of straight baselines for measuring the territorial sea thus closing the historic gulf of Sirte. With the decision no. 105 define the coordinates of the fisheries protection zone⁵³.

Libya does not proceed with the definition of an intimate fisheries protection zone where the median line/line of equidistance from the coasts to the neighboring coastal states supports the method of delimitation related to the principle of equity and is related to the full influence on the Greek islands located in area of Crete and on the southwestern side of the

⁵²General People's Committee Decision No 37 concerning the declaration of a Libyan fisheries protection zone in the Mediterranean Sea, LOS Bulletin, UN, No 58, 2005, par. 14-16. The Libyan zone is created in accordance with the declaration which is an integral part of the decision in accordance with article 1 of the decision. The decision is related to the establishment of a zone for the protection of fishing and specifically to article 2 where Libya has set a limitation for fishing activities where in a complementary way it determined the legal framework for a specific zone as well as its relative limits.

⁵³LOS Bulletin, UN, No 59, 2005, par. 15-18.

Peloponnese⁵⁴. With the use of controversial straight baselines, the Libyan zone had a limit (Grbec, 2013), as the limits of the specific zone have a temporary character and are extended later by a relevant agreement with the neighboring states until it reaches the declaration of its own territorial EEZ⁵⁵.

The Libyan EEZ started in 2009, where the legislation had the characteristics of a law/framework requiring a further layer of implementing rules to accept the zone related to the protection of fisheries as well as the EEZ and its external boundaries, which are in force⁵⁶ (Grbec, 2013, Andreone, Cataldi, 2014).

⁵⁴There is the relevant report for the islands of Strofades, Sapienza, Schiza, Gavdos, Chrysi and Koufonisi.

⁵⁵See Art. 1 of the decision of n. 105 of 2005, par. 789.

⁵⁶No ground was reached and it affected the Memorandum of Understanding of November 27, 2019 between Turkey and Libya, which violated the sovereign rights of third countries, and from the law of the sea there is no possibility of meaningful consequences for the burden of third countries. Conclusions of the European Council Meeting of 12 December 2019, par. 19.

Map 6: Exclusive Fishery Zones



Source: (Grbec, 2013).

Ecological Protection Zones

The protection for the preservation of the marine environment beyond the limits of the territorial sea of the Mediterranean coasts is part of the open sea. As a general application of this regime, we see from the side of France, where it proceeded with the relevant demarcation, for an ecological protection zone (zone de protection écologique-ZEP), with a legislative decree in 2004⁵⁷, thus establishing a legal framework with the law of

⁵⁷Décret n° 2004-33 du 8 janvier 2004 portant création d'une zone de protection

2003⁵⁸. The status of the operational zone between the Mediterranean coasts of France it was converted on 12 October 2012 into an EEZ having full effect against the law of the sea⁵⁹. The ecological protection zone had jurisdiction over matters related to the preservation of the marine environment for the research and placement of artificial islands and related facilities. It was about the exercise of sovereign rights where the EEZ recognized as a coastal state and less as an operational zone (Grbec, 2013). The 2004 decree and specifically article 1 defined the limits of France's ecological protection in the Mediterranean zone.

The distinction between the continental coast and the part concerning Corsica borders on the maritime countries related to the median line (Grbec, 2013). This is a method that was also adopted by Spain. The French ecological protection zone covers the Spanish zone but partly as a fisheries protection zone⁶⁰.

The operational zones of the Mediterranean from the side of France, Spain and Croatia pushed Italy to move towards the adoption of the corresponding practices for the protection of the

écologique au large des côtes du territoire de la République en Méditerranée.

58Loi n° 2003-346 du 15 avril 2003 relative à la création d'une zone de protection écologique au large des côtes du territoire de la République.

59Décret n° 2012-1148 du 12 octobre 2012 portant création d'une zone économique exclusive au large des côtes du territoire de la République en Méditerranée.

60See Art. 1 of Decree 2004-33 on the limits of the French zone amending the negotiations on coastal states: "(...) limites seront modifiées, le cas échéant, à l'issue des négociations avec les Etats riverains (...)".

marine environment and the extension of the jurisdiction that was on the open side of its western coasts⁶¹.

On 27 October 2011, the Presidential Decree 209 demarcated the ecological protection zone located off the western coast of Italy and in the north-western Mediterranean, i.e. in the Tyrrhenian Sea up to the Ligurian Sea. The area related to the Straits of Sicily was not taken into account⁶².

The relevant zone was applied with the ecological protection zone of France and since 2012 with the French EEZ overlapping a part that was a marine sanctuary for Pelagos mammals (Grbec, 2013; Caffio, 2016).

With article 2, par. 1 of the Italian law 61/2006 Italy within the zone of ecological protection granted jurisdictions in matters of protection for the preservation of the marine environment which included the underwater cultural heritage⁶³ based on the principles of UNCLOS and the UNESCO Convention of 2001, regarding the Protection of the Underwater Cultural Heritage,

⁶¹See the law of 8 February 2006, n. 61 entitled: "Establishment of ecological protection zones beyond the external limit of the territorial sea".

⁶²Decree of the President of the Republic, 27 October 2011, n. 209, Regulation establishing ecological protection zones in the north-western Mediterranean, the Ligurian Sea and the Tyrrhenian Sea. (11G0252) (GU General Series no. 293 of 17-12-2011).

⁶³"(...) ecological protection zones established pursuant to article 1, Italy exercises its jurisdiction regarding the protection and preservation of the marine environment, including the archaeological and historical heritage, in accordance with the provisions of the aforementioned Convention of Nations United States on the Law of the Sea and by the UNESCO Convention of 2001 on the protection of underwater cultural heritage, adopted in Paris on 2 November 2001, from the date of its entry into force for Italy (...)"

after the date of entry into force by the Italian state⁶⁴. This is a peculiar form of ecological protection where the principles of UNCLOS on the EEZ and the relevant Section V do not include the purposes of underwater cultural heritage based on Article 303 (2) UNCLOS combined with article 33 where the contiguous zone will function as archaeological.

Italy established in 2004 the archaeological zone based on Articles 303 (2) and 33 of UNCLOS⁶⁵, where it has an area of 12 nm and is located outside the outer limit of the territorial sea. It is about the protection of underwater cultural heritage located and delimited in the part of Italy in a zone up to the limit of 24 nm from the relevant baselines in accordance with what UNCLOS defines for the relevant contiguous-archaeological zone⁶⁶.

The extension beyond 24 nm and up to the outer limit of the Italian ecological protection zone was applied to the rules deriving from the UNESCO Convention of 2001⁶⁷. These are zones according to the law that are adjacent to the Italian territory based on agreements from the outer limit of the ecological protection zone in accordance with the median line and equidistant from the nearest points of the base line of the

⁶⁴Specifically, the 2001 UNESCO Convention was ratified by Italy on 8 January 2010.

⁶⁵Legislative Decree 22 January 2004, n. 42, article 94.

⁶⁶See Art. 303 (2) and 33 UNCLOS.

⁶⁷See Art. 4, of the law n. 157 of 23 October 2009.

territorial waters of Italy and neighboring countries.

The limits of the temporary ecological zone were inserted in accordance with Article 2, par. 1 of Presidential Decree 209/2011 as non-finally defined limits. Italy did not accede to new agreements with France and Spain where the outer limits of the ecological protection zone were defined within a relative datum reference system WGS84⁶⁸.

In parallel, after the Croatian protection zone as well as the protection of fisheries, Italy created a legal framework for the ecological protection zones of territorial waters, mainly with Slovenia, where from 2005 it demarcated its own operational ecological protection zone in the Adriatic⁶⁹. The Slovenian zone protects the marine environment and specifically Article 3, par. 1 states:

“(...) within the ecological protection zone Slovenia shall exercise its sovereign rights regarding research and sustainable use, conservation and management of marine resources, as well as its jurisdiction regarding scientific research, conservation and protection of the marine environment in accordance with international law and its obligations arising from the *acquis communautaire* of the European Union (...)”.

Article 4, par. 1 of the relevant law on the Slovenian zone states that the demarcation line of the water table is followed in accordance with the relevant agreement of 1968 between Italy

⁶⁸It is a security system whose purpose is the positions of the earth's surface in relation to the implementation of a reference point that is based on a set of parameters related to the size and orientation of which the system aims to determine the orientation of the space. The reference systems have as their main distinction the global, terrestrial and local ones.

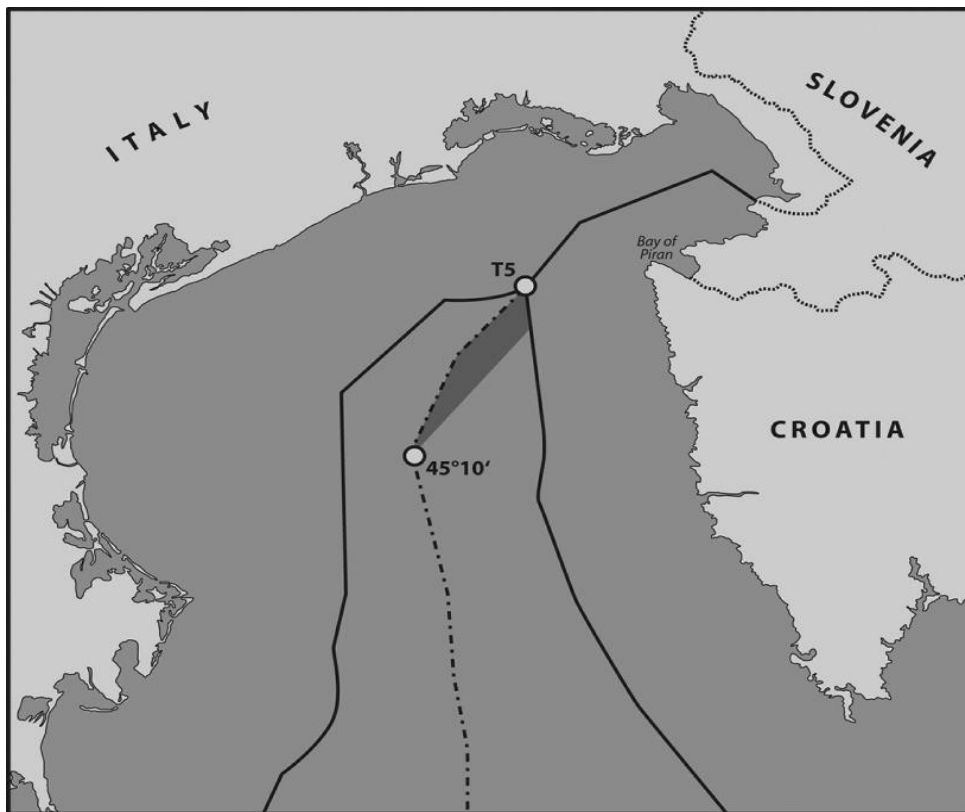
⁶⁹Ecological Protection Zone and Continental Shelf of the Republic of Slovenia Act, 22 October 2005, LOS Bulletin, No 60, UN, 2006, par. 56-57

and Yugoslavia specifying that the Slovenian ecological protection zone started from the relevant point T5, which is related to the penultimate point of demarcation line of the territorial sea between Italy and Yugoslavia, in accordance with the Osimo Agreement of 1975, extending southward to the parallel 45° 10' N. Point T5, which for Slovenia is a zone that constitutes a territorial exit to the open sea, is 15.5 nm from the nearest point of its coast, that is, Cape Madonna located in the bay of Piran, i.e. beyond the relevant demarcation line of the territorial sea (Vidas, 2009).

The Croatian ecological protection and fisheries zone of 2003 is a special zone that is in the possession of Slovenia. This provoked the reaction of Croatia, which requested the relative reference of the delimitation of the maritime zones of the countries as well as their delimitation which is part of international justice⁷⁰.

⁷⁰Note verbal dated 31 May 2007 from the Permanent Mission of the Republic of Croatia to the United Nations addressed to the Secretary-General of the United Nations in reference to verbal note from the Republic of Slovenia dated 21 February 2006 addressed to the Secretary-General of the United Nations, concerning the Ecological Protection Zone and Continental Shelf of the Republic of Slovenia, LOS Bulletin, No 64, UN, 2007, parr. 40-42.

Map 7: The Croatian ecological protection and fisheries zone



Source: (Grbec, 2013)

Fisheries protections and ecological protection zones

A unique zone for the Ecological and Fisheries Protection Zone-EFPZ is the decision of 3 October 2003 regarding the maritime jurisdiction of the Adriatic country. With a specific verbal communication⁷¹ sent to the UN Secretary General on 29

⁷¹Verbal Note dated 29 October 2003 from the Permanent Mission of Croatia to

October 2003, Croatia announced to the international community the zone of ecological protection and fisheries protection in accordance with the regime in force for the EEZ as well as Art. 56 UNCLOS for the sovereign rights that exist in relation to the research, exploitation, conservation and management of living resources beyond the territorial sea and in relation to the jurisdiction for the relative protection of the marine environment (Grbec, 2013)⁷².

It is about a peculiar zone in the Adriatic where article 5, in accordance with the decision of the Croatian Parliament of 2003, determined the outer limits of the zone, and then by agreement with the coastal states regarding the objective, adjacent limits of the Croatian coasts in the Adriatic. Article 6 took into account the delimitation agreements on the boundaries of the ecological protection and fisheries protection zones, that followed the agreement on the delimitation of the continental shelf between Italy and Yugoslavia in 1968.

the United Nations addressed to the Secretary-General, transmitting the Decision on the Extension of the Jurisdiction of the Republic of Croatia in the Adriatic Sea, LOS Bulletin, UN, No 53, 2004, parr. 67-69.

⁷²By carefully reading the texts adopted by Croatia and sent to the UN, a close relationship between the special zone and the EEZ can be seen, which is considered to be slightly less than the EEZ, i.e. half of the EEZ given that the data cannot be characterized as complete, i.e. they are not mentioned the sovereign rights that are related to the activities for the economic exploitation and exploration of the zone, as well as the energy from the waters, the winds, the currents. Jurisdictions where it is not related to the use of technical islands, facilities and constructions as well as obligations provided for in accordance with Article 56 (1) UNCLOS as well as other forms of use that are related to international law that recognizes those defined in accordance with Art. 58 (1) UNCLOS on the relative rights and obligations of the remaining states in the EEZ.

Map 8: The continental shelf between Italy and Yugoslavia



Source: (Grbec, 2013)

For the adjacent coasts the border was demarcated by the 2002 protocol in accordance with the status of the southern borders of Croatia and the Federal Republic of Serbia-Montenegro. As for the northern side, the northern edge of the zone as well as the adjacent coast of Slovenia, are related to the maritime zones of Slovenia and reach the Adriatic Sea as well as the northern part of the demarcation, in accordance with the 1968 agreement

between Yugoslavia and Italy.

After protests, Slovenia made a statement regarding the unilateral establishment of the delimitation of the Croatian zone in accordance with a verbal communication to the UN⁷³, stating that:

“(...) the Croatian zone cuts off Slovenia, whose territorial waters extend to the Gulf of Piran, from access to the open sea of the Adriatic (...)”⁷⁴.

In this context, Italy protested the delimitation of the Croatian zone due to its unilateral declaration (Grbec, 2013)⁷⁵. In order to join the European Union, following the amendment of 15 December 2006⁷⁶, it was proposed to suspend until 1 January 2008 the entry into force of the ecological protection zone until a common agreement is reached in accordance with the EU principles (Grbec, 2013).

The problem for Croatia was the limitation of its ecological protection zone as well as its fishing zone in a marine area where the high seas section did not apply to ships flying the flag of a third country outside the EU (Vidas, 2018). As expected, the specific zone was converted into an EEZ on 5 February

⁷³Verbal Note dated 7 November 2003 from the Permanent Mission of Slovenia to the United Nations addressed to the Secretary-General, LOS Bulletin, UN, No. 53, σελ. 70.

⁷⁴Slovenia had signed with Croatia the agreement of July 19, 2001, which entered into force and does not recognize it. This is an agreement that was known as Drnovšek/Račan.

⁷⁵Note by Italy concerning the declaration of an ecological and fisheries protection zone in the Adriatic Sea by the Republic of Croatia of 3 October 2003, 16 April 2004, par. 129.

⁷⁶Decision on Amending the Decision on the Extension of the Jurisdiction of the Republic of Croatia in the Adriatic Sea of 3 October 2003, LOS Bulletin, UN, No. 55.

2021.

Bilateral agreements on the delimitation of maritime zones in the Mediterranean

The limits related to the Mediterranean coastal states regarding the regulation of the limits of the maritime zones, in accordance with bilateral agreements, had the result of turning to the international jurisprudence. This is the case of Tunisia/Libya and Libya/Malta, which was dealt with by the International Court of Justice, as well as Slovenia/Croatia, which was decided by the international arbitration court (Papanicolopulu, 2015).

The Geneva Conventions of 1958 and the Codification of the Law of the Sea were the beginning of a principle for the delimitation of maritime zones in the Mediterranean. It is about the first delimitation agreements between the territorial waters and the continental shelf, that within the general framework of UNCLOS, as well as the delimitation of the EEZ, was the result for the delineation of multi-purpose boundaries⁷⁷ (all-purpose maritime boundary) (Suárez de Vivero, Mateos, Kern, 2010).

Almost twenty-two agreements on the delimitation of maritime zones after bilateral negotiations⁷⁸ concerned the continental

⁷⁷We can say that all-purpose maritime boundary has as its purpose the delimitation of the maritime zones of the two coastal states where they are present or future for a relevant declaration in a specific area.

⁷⁸We are referring to the multilateral agreement Establishing the Republic of Cyprus with the United Kingdom, Greece and Turkey which is an exception.

shelf, in accordance with the principles of international law as well as the internal political bodies, that regulate the boundaries of the maritime zones of the involved states. Preventing selection bias according to the delimitation agreements in the Mediterranean, the collection of UN treaties according to the UN database was taken into account. A first treaty concerns the 1960 Treaty of the Republic of Cyprus (Prescott & Schofield, 2000), which Cyprus signed with Greece, Turkey and the United Kingdom to regulate the boundaries of the British military bases at Decelia and Akrotiri.

The Italy-Yugoslavia agreement of 1968 had to do with the delimitation of the continental shelf, which was later supplemented by the 1975 agreement for the delimitation of the territorial sea. It entered into force in 1970 and 1977 and at the beginning of 1990 with the new states that were created, namely Slovenia, Croatia, Montenegro, which accepted the object of the agreements in place of the contracting party of Italy.

The agreement between Tunisia and Italy was signed in 1971 but entered into force in 1978. It concerned the delimitation of the continental shelf of the two countries.

The same is the case with the agreement between Spain/Italy which was signed in 1974 and entered into force in 1978. Greece and Italy signed the relevant agreement on the delimitation of the continental shelf in the Ionian and for the part

of the Adriatic in 1977. Also, in 2020 they demarcated the relevant zone of the EEZ in the same area.

Monaco and France signed a maritime boundary agreement in 1984 that entered into force in 1985, as a Mediterranean coastal state to regulate their respective maritime boundaries. The 1986 agreement between Italy and France concerned the territorial sea of lands in the Straits of Bonifacio, between Sardinia and Corsica. In 2015, they signed in the city of Caen, France, the establishment of a single maritime border, which, however, has not entered into force. In 1986, an agreement was signed between Malta and Libya, which entered into force in 1989, delimiting the continental shelf as well as what was decided by a relevant decision by the ICJ (Liakopoulos, 2020)⁷⁹.

In 1992, Albania and Italy demarcated the continental shelf for the Adriatic. Within the framework of the Adriatic, between Croatia and Bosnia-Herzegovina, their maritime borders have been regulated in 1999, albeit temporarily. In 2002, Algeria and Tunisia signed an agreement on the maritime borders, which entered into force in 2003. The countries' negotiations resulted in the signing in 2011 of the final determination of the maritime borders, but without entering into force (Djaziri, 2018).

Israel and Cyprus signed in 2010 to delimit the EEZ, which entered into force in 2011, and with Egypt in 2003 after the

⁷⁹ICJ, Continental Shelf (Libyan Arab Jamahiriya/Malta), Judgment, ICJ Reports 1985.

agreement with Lebanon in 2007, which was never put into force. Also important from Turkey's side was the signing in 2019 with Libya of the Government of National Accord-GNA, a Memorandum of Understanding-MoU, whose object of application is the delimitation of the maritime jurisdiction zones between the two states in the Mediterranean. This is a memorandum that entered into force in 2019. In 2020, we have the signing of an agreement between Greece and Egypt in the Mediterranean, which came into force immediately.

Agreements on the environment

The Mediterranean agreements were not only concerned the right of the sea and the demarcation of zones between neighboring countries and non-neighboring countries. The marine pollution of a closed sea that rained on the coasts resulted in the creation of a protection program that began in 1970, within the Mediterranean Action Plan, and later from the control framework of the United Nations Environment Program UNEP with the objective of dealing with and controlling the marine pollution of the specific marine area.

In 1976, the relevant Barcelona Convention for the Protection of the Marine Environment of the Mediterranean from Pollution⁸⁰

⁸⁰See the Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention): <https://www.unep.org/unepmap/who-we-are/barcelona-convention-and-protocols>

was one of the first steps in the protection of the marine environment and formed the basis for the 1992 Rio Declaration on Environment and Development. Certain articles also became provisions of UNCLOS for the protection of the environment, such as in 1995 we have the Protection of the Marine Environment and Coastal Areas of the Mediterranean⁸¹, with a series of contracting parties that make up the number of 22, as well as the EU with a framework treaty of a dynamic character that complements the legal protocols that are related to the treatment, protection of marine pollution in the Mediterranean (Scovazzi, 2018)

Specifically, the relevant Barcelona Convention consists of seven Protocols:

“(...) a) the amended Protocol for the prevention and elimination of pollution of the Mediterranean from dumping by ships and aircraft, or from incineration at sea; b) the Protocol related to cooperation to prevent pollution from ships and, in emergency cases, to combat pollution of the Mediterranean Sea; c) the amended Protocol for the Protection of the Mediterranean Sea from Pollution from Land-Based Sources and Activities; d) the new Protocol on with specially protected areas and biodiversity in the Mediterranean; e) the additional Protocol for the protection of the Mediterranean Sea from pollution arising from the exploration and exploitation of the continental shelf and its seabed and subsoil; f) the additional Protocol for the prevention of the pollution of the Mediterranean from transboundary movements of hazardous waste and their disposal, and, finally; g) the additional Protocol for the integrated management of coastal areas in the Mediterranean (Integrated Coastal Zone Management-ICZM) (...)” (Scovazzi, 2018).

⁸¹See the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean:
<https://www.eea.europa.eu/policy-documents/convention-for-the-p...f-the-mediterranean>

The relevant protocols and the Barcelona Convention encompass a large set of Mediterranean maritime space regardless of legal status, as well as the parts that make up the open sea. The areas to national jurisdiction within the Protocols, as well as the protected areas, are related to biodiversity in the Mediterranean as well as the general list of Specially Protected Areas of Mediterranean Importance-SPAMI, which are connected with the open sea⁸² and provided that the parties involved give their consent.

Fisheries agreements

The fisheries stocks in the Mediterranean and the measures for sustainable exploitation were aimed at several of the Mediterranean countries to have the perception that the unilateral establishment of fishing zones should be linked to more general efforts related to the promotion of a regional cooperation to ensure, compliance and catch management to combat illegal, unregulated, unreported fishing (IUU) (Papanicolopulu, 2015).

In 2003, the relevant Declaration for the Sustainable Management of Fisheries Resources in the Mediterranean was signed in Venice, with a large participation of Mediterranean

⁸²[https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:21999A1214\(01\)&from=SV](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:21999A1214(01)&from=SV), in particular art. 9 (2) (b) and (c) of the Protocol.

countries as well as with the participation of the European Commission. On 30 March 2017, the Malta MedFish4Ever Declaration for the improvement of the fishing situation in the Mediterranean and for governance in the fishing sector was marked, through the inter-ministerial Malta conference and the participation of the European Commission.

For fishing in the Mediterranean, we have the International Commission for the Conservation of Atlantic Tunas-ICCAT⁸³, where the Mediterranean is included, as well as the General Fisheries Commission for the Mediterranean-GFCM⁸⁴, within the framework of FAO and with the participation of over 20 Mediterranean countries. Of these, we also have two states bordering the Black Sea and the European Union⁸⁵.

The purpose of this special committee is the preservation, development, management for the utilization of the living marine resources, the sustainable development for aquaculture in the Mediterranean and the Black Sea within a field where the Mediterranean Sea as a space is distinguished, divided into certain areas. This relative demarcation is intended to better and further combat illegal, and unregulated fishing through the Compliance Committee, as well as a regional plan to enable port states to take relevant fishing prevention measures.

⁸³<https://www.iccat.int/en/>

⁸⁴<https://www.fao.org/gfcm/en/>

⁸⁵The cooperating states are Bosnia-Herzegovina, Georgia, Jordan, Moldova and Ukraine.

The agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area-ACCOBAMS⁸⁶, was signed on 25 November 1999, at regional level. France, Italy and Monaco signed the relevant agreement (Notarbartolo-di-Sciara et al., 2008)⁸⁷, which entered into force on 21 February 2002, regarding the establishment of a marine mammal sanctuary, named Pelagos. The relevant sanctuary was established in a marine area⁸⁸ between Corsica (France), Liguria (Italy) and Provence (Monaco), establishing the first High Seas Marine Protected Area (HSPA) for the Mediterranean (Grbec, 2013).

It is an initiative where the marine protected area extended within the marine mammal sanctuary and includes the intertidal zone of the participating states, as well as the areas under the regime of the open sea (Notarbartolo-di-Sciara and others, 2008)⁸⁹.

In the Mediterranean we also have the protection of particularly sensitive sea areas (PSSA) (Scovazzi, 2018), under the protection framework of the IMO, as well as at research level

⁸⁶<https://accobams.org/about/introduction/>

⁸⁷It is about the joint declaration (Joint Declaration) of 22 March 1993 where the neighboring states established the creation of a sanctuary related to the protection of marine mammals in the Mediterranean.

⁸⁸The boundaries of the Pelagos reserve are also referred to in Article 3 of the 1999 Agreement.

⁸⁹The establishment of the EEZ and the ecological protection zone created by France and Italy in relation to the western Mediterranean area, the Pelagos reserve does not extend into the open sea.

the Commission Internationale pour l'Exploration Scientifique de la Méditerranée-CIESM⁹⁰, whose ultimate goal is the relative promotion of marine research (Scovazzi, 2018).

Agreements on underwater cultural heritage

For the protection of the marine environment, a sought-after area of multilateral cooperation, beyond fishing and the protection of the marine environment, has to do with the protection of the underwater cultural heritage. According to Art. 6 (1) of the UNESCO Convention for the Protection of the Underwater Cultural Heritage and Art. 303 (4) UNCLOS, this is an important step for the protection of the Mediterranean Sea.

In this context, the relevant Syracuse Declaration on the Cultural Heritage of the Mediterranean in 2001 is noted, which includes a dynamic and legally binding text, to give a multilateral cooperative dimension of unilateral character, within the framework of the Mediterranean countries, for the protection of the undersea cultural heritage and the establishment of the relevant archaeological zones.

The agreements on energy

The continuous efforts of many states to discover hydrocarbons as well as cheaper energy in the Mediterranean has resulted in

⁹⁰<https://www.ciesm.org/>

cooperation at a regional level for the protection of the marine zone and the use of energy (Blyschak, 2013).

The relevant pipeline under construction called East-Med, promoted by Greece, Italy, Israel and Cyprus, was aimed at the relative connection, of the natural gas exports of the relevant region, with the pipeline network of Europe as well as the gradual independence from Russian natural gas especially after the Ukraine crisis (Rubin, Eiran, 2019). EU support within this framework, particularly based on the Euro-Mediterranean Partnership, starting from the Barcelona process, could strengthen regional cooperation within a framework of common values and rules (Rubin, Eiran, 2019).

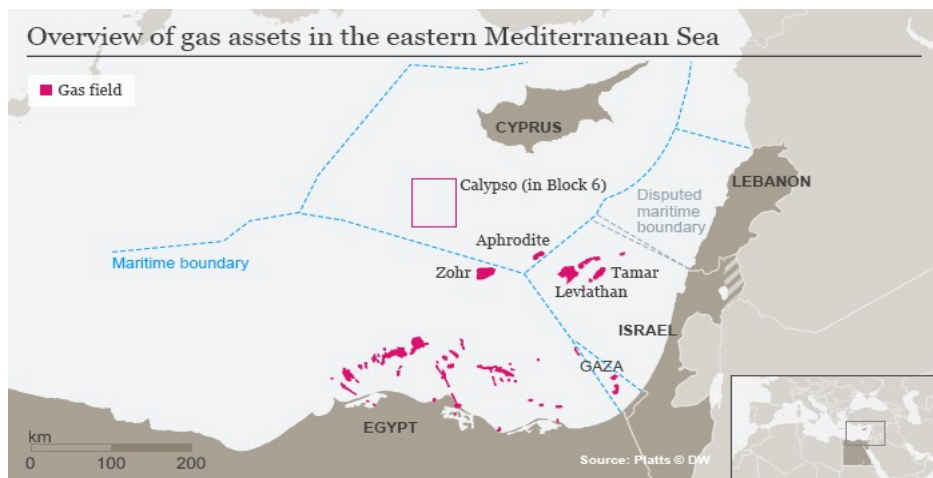
The creation of a broader coordination framework between Greece, Israel and Cyprus regarding security constitutes the basis for a continuous alliance, currently based on the framework of the EastMed Gas Forum (EMGF)⁹¹ and the participation of Greece, France, Cyprus, Egypt, Israel, Italy, Jordan and Palestine. Countries that, due to their geographical position, have been facing several problems for years in relation to their demarcation in the Mediterranean.

In 2019, a forum was created in Cairo between Greece, France, Egypt and Cyprus for the promotion, discussion of natural gas exports in the Eastern Mediterranean region through the

⁹¹<https://emgf.org/>

deepening of cooperation and the relevant strategic dialogue of the countries involved (Prontera, 2017).

Map 9: Gas assets in the eastern Mediterranean sea



Source: <https://www.dw.com/en/eastmed-gas-paving-the-way-for-a-new-geopolitical-era/a-49330250>

The EMGF, as an international forum for Mediterranean cooperation⁹², which also includes the USA after a relevant request from France, promotes cooperation on research, energy security in the region⁹³, taking into account the European Union and the United Arab Emirates, which have participated under the status of observer.

⁹²Turkey, Syria, Libya and Lebanon have not participated in this forum.

⁹³Eastern Mediterranean Security and Energy Partnership Act of 2019: <https://www.congress.gov/bill/116th-congress/senate-bill/1102/text>

Energy falls within the framework of the protection of the sea environment, but it also has an economic background, arising from the relevant area, functioning as a powerful mechanism due to the geopolitical position occupied by Egypt and Cyprus, thus playing an important role as energy hubs in the near future⁹⁴.

The status of the high seas and the Mediterranean

The customary status in the law of the sea, as well as the establishment of the relevant jurisdiction that has been recognized by the law of the sea within UNCLOS and within the provisions for the EEZ, constitutes for the coastal states mainly of the Mediterranean, the creation of a semi-enclosed of the Mediterranean area both geographically and in relation to the borders of the open sea that exceed 29% (Suárez de Vivero et al., 2015).

The maritime space of the Mediterranean tends towards a fragmentation of a mosaic where the open sea alternates with other maritime spaces, where the status of the EEZ, as well as the special zones, the ecological protection zones and the fisheries protection zones have as their application a legal framework of data that the semi-enclosed sea is no more than 200 nm from the nearest coast (Treves, 2012).

⁹⁴Specifically, Egypt owns two natural gas liquefaction plants located in Idku and Damietta.

On the other hand, 1/3 of the Mediterranean area is freely accessible to all states, including those that do not have the relevant coastline in the Mediterranean, as the bottom and subsoil is in the Mediterranean water column. The national jurisdiction of the coastal states does not need to reach any declaration in accordance with the rules of UNCLOS⁹⁵. We are talking about possibilities offered to the coastal states to delimit the relevant EEZ, in accordance with the rules of UNCLOS, thus making the EEZ an open sea of the Mediterranean, so that from a geographical and legal point of view the correct delimitation of the EEZ is a deed.

Within a framework of freedom of the high seas, no state acquires sovereignty and does not reserve the use of the seas for purposes other than fishing, navigation, overflight, laying submarine cables, pipelines, scientific research, as well as for the establishment of islands and facilities.

The continuous granting of more and more maritime space to the jurisdiction of coastal states regarding the relationship of the high seas and the EEZ (Treves, 2012) puts the whole of the high seas in the Mediterranean under the power of the EEZ.

From a legal point of view, reading together Articles 58, 86 and 87 UNCLOS (Attard Camilleri, 2018), regarding the freedom of the high seas in the EEZ as well as the relative right to use the

⁹⁵See Art. 77 (3) UNCLOS.

seas for legitimate purposes, we understand the connection that exists for the relative exercise of rights, although in the open seas the freedoms and obligations of other states in the EEZ of a coastal state have a qualitative and quantitative difference⁹⁶.

The quantitative difference that has to do with the freedoms of the high seas according to Art. 87 UNCLOS is indicative. However, in relation to the rights and freedoms included in Art. 58 UNCLOS, this is particularly restrictive⁹⁷. This is an explicitly obvious difference, where the case of liberties and fisheries as well as marine scientific research due to their nature and importance for the coastal state, are applied to the high seas but not to the EEZ (Cragun, Pal, Vadaparampil, Baldwin, Hampel, DeBate, 2016).

The qualitative differences related to freedoms on the high seas have to do with the content and freedoms that can exist within the framework of the EEZ, so as to make the application of rules necessary as well as the compatibility with the exercise of other freedoms of the seas, in accordance with the rules of Art. 87 UNCLOS, as a prerequisite for the interests of other states⁹⁸.

Their further exercise by third states, presuppose the use of Art. 58 (3) UNCLOS, i.e. to comply with the laws and regulations adopted by a coastal state in accordance with the rules of

⁹⁶See art. 58 (1) UNCLOS.

⁹⁷See art. 58 (1) UNCLOS.

⁹⁸See Art. 87 (2) UNCLOS.

UNCLOS but also of the rules of international law.

Art. 58 (2) UNCLOS does not include the relevant Articles 88 to 115 UNCLOS on the EEZ as well as other rules of international law, in conflict with Part V of the UNCLOS on the EEZ. The delimitation of the EEZ as well as the related natural resource rights were subject to the concept of freedom of the high seas for the benefit of coastal states, where the legal regime still applies within the EEZ (Guilfoyle, 2015).

This is a position that is related but also accepted by Attard Camilleri (2018) for the waters of the EEZ where, as a rule, they are open to all states. In the qualitative difference, the dimension regarding the Mediterranean as a feature of the open sea as a potential EEZ that the coastal states may have simultaneously with the exercise of freedoms for the open sea as well as the jurisdiction of the coastal state should be taken into account for establishing the EEZ (Fischer, Maggetti, 2017).

Of course, UNCLOS does not contain specific rights and relevant jurisdictions for the coastal state, as well as for other states within the EEZ, with the result that a conflict of interests is created between a coastal state and a third party based on Art. 59 of UNCLOS.

The relative difference created was based on the principle of equity (Cottier, 2015) to take into account the interests of the parties that are related to the international community in its

context⁹⁹. Referring to the freedoms of the open sea, the rights and jurisdictions of the coastal states within the EEZ zone, are two regimes that are not confused between them, as also results from Art. 86 UNCLOS, and the corresponding maritime zone, as a consequence, is applied¹⁰⁰.

The Mediterranean is also related to the continental shelf, which certainly from a legal and political point of view, affects the freedoms that can be exercised in the water column. The status of the open sea approaches both the status of the maritime countries. The states perceive the relative freedoms, and the air space, and the continental shelf is related to the sovereign rights of coastal states in the specific area (Guilfoyle, 2015).

The Mediterranean as a set of seabed and subsoil is part of the national jurisdiction of the coastal states, where the agreement on the freedoms of the high seas and the continental shelf constitute a semi-enclosed sea, where as a necessity for freedoms in the high seas they determine a force, that went beyond the framework of national jurisdiction. The sovereign rights of the coastal state are drawn up in accordance with what the EEZ establishes within the framework of the free seas.

⁹⁹Residual rights are not foreseen where, in accordance with UNCLOS, it does not mention the principle of justice. The rest of the rights do not mention shipwrecks, the placement of the relevant acoustic devices on the seabed as well as the detection of submarines and underwater archaeology. Activities where the refueling of ships for military exercises is related to residual rights that can be used as a legitimate use on the high seas.

¹⁰⁰See Art. 86 a) UNCLOS.

Specifically, in the case of scientific research, the freedom of the high seas is legally defined by Art. 246 (2) UNCLOS, setting as a basic premise the sovereign rights of the coastal state and consequently its consent¹⁰¹. In the case of fishing, Art. 116 c. b' UNCLOS does not mention the rights of coastal states that are related to the continental shelf.

For the creation of artificial islands and other installations, international law constructs a maritime zone where the water column is related to the status of the open sea, and the continental shelf applies the provisions of Articles 80 and 60 of UNCLOS, which establish as necessary for the coastal state the relative notification for the construction of islands, facilities and others buildings, as well as to allow it to have mandatory safety zones around the facilities without hindering the use of sea lanes deemed necessary for international navigation.

Within this framework, Art. 87 (2) UNCLOS plays an important role in regulating the freedoms that exist in the maritime space itself. Art. 87 (2) UNCLOS as well as Articles 56 (2) and 58 (3) UNCLOS for coastal states and for the exercise of related rights refer to the execution of obligations, take into account the existing rights, as well as the obligations they have to do with regulations, states that included obligations for the coastal state in accordance with the rules of UNCLOS as well as the rules of

¹⁰¹See Art. 246 (2) UNCLOS.

international law.

The establishment of EEZs within idiosyncratic zones, as exclusive fishing zones, as well as ecological protection zones, within legitimate sovereign rights, recognize in the coastal state the possibility of deciding on the jurisdiction of the sovereign rights included in Art. 56 of UNCLOS in cooperation with article 56, on the condition that, in accordance with Art. 75 UNCLOS, the third countries have been informed of the legal status of the maritime space.

As we have seen, there are several cases, where the unilateral establishment of functional zones of the EEZ took place, limiting the scope of the maritime space in relation to the status of the high seas. The relevant publicity, in accordance with Art. 75 UNCLOS, is related to giving tables, geographical coordinates, nautical charts, where they are given to the UN General Secretariat and do not accompany the majority of the corresponding delimitation lines that have to do with the EEZ, in accordance with Art. 74 UNCLOS.

The idiosyncratic zones of functional nature within the Mediterranean area have as a result, from a legal point of view, pending cases of demarcation of the maritime boundaries that are related to the coastal states and do not include adjacent, objective coasts. The practice of the coastal states of the Mediterranean and the idiosyncratic functional zones, i.e. the

EEZ, have not reached delimitation agreements with the maritime zones, so as to result in areas where the states claim and exercise sovereign rights in disputed areas.

All the actions of the coastal states, in a unilateral way to proceed with the demarcation of functional zones, in the open seas of the Mediterranean, demonstrate the interest in the management of a specific maritime area with contemporary challenges, where the protection of the marine environment, fisheries, energy is the result of a more general effort of regional cooperation, which makes possible the realization of a further need for understanding and cooperation.

The states of the Mediterranean are active actors in an area, where the relevant practice, among an increasing role of application and development of international principles in sensitive sectors of the environment, such as underwater cultural heritage and fisheries, energy, is related to the jurisdiction of coastal states in the open sea of the Mediterranean. It is evident an open debate between *mare liberum* and *mare clausum*.

Overall, the *mare liberum* responds to the interests and the rules of the international community in a space, where the open sea goes beyond the limits of the zones in the Mediterranean and the continuous fragmentation for coastal benefits between multilateral cooperations, as well as unilateral initiatives by different states to recognize international law through multiple

agreements delimitation of maritime zones that try to limit the limits of the high seas as an open mosaic of a legal regime, that is not reluctant to proceed to new relevant agreements that aim to cover maritime zones within the history of shaping and delimiting the Mediterranean.

Conclusion

The Mediterranean turns out to be a large sea area but with a gradual limitation of open seas, as the starting point of several problems. The conditions that led to delimitation routes, mainly the policies of the coastal states of the Mediterranean constitute the basis for necessary, capable conditions for the delimitation of maritime zones.

The qualitative and quantitative method in relation to the management of solutions first of all of a legal entity and basis and then of a political systematic one constitutes the basis for a further analysis for the following years, in order to reach some general conclusions for the Mediterranean area, where the exceptions are few to cover all the coastal states.

The comparative research based on the rules of UNCLOS is a trigger for further analysis and consideration in the course of development of the law of the sea. What we understand is that the desire of the coastal states located in the Mediterranean was the expectation of creating an EEZ within a practice that many

times seems to be peculiar. Over time the zones of jurisdiction and operation within full EEZs were accompanied by rules that led to the demarcation but through bilateral, multilateral agreements.

References

- Abadi, J. (2020). Israel and Lebanon: Relations under stress. *Contemporary Review of the Middle East*, 7(1), 90-115.
- Alexander, L. M. (1977). Regional arrangements in the oceans. *The American Journal of International Law*, 71(1), 84-109.
- Andreone, G., Cataldi, G. (2014). Sui generis zones. In Attard, D., Fitzmaurice, M., Gutiérrez, N.A.M. (eds.). *The IMLI manual on international maritime law, Vol. I, The law of the sea*. Oxford University Press, Oxford, 218ss.
- Arnaut, D. (2014). Adriatic blues: Delimiting the former Yugoslavia's final frontier. In C.H., Schofield, S., Lee, M., Kwon. (eds.). *The limits of maritime jurisdiction*. ed. Brill, Martinus Nijhoff Publishers, Bruxelles, The Netherlands.
- Attard Camilleri, F.L.M. (2018). *The application of the high seas regime in the exclusive economic zone*. Rowman & Littlefield, New York.
- Attard, D., Mallia, P. (2014). The high seas. In Attard, D., Fitzmaurice, M., Gutiérrez, N.A.M. (eds.). *The IMLI manual on international maritime law, Vol. I, The law of the sea*. Oxford University Press, Oxford, 240ss.
- Becker-Weinberg, V. (2014). *Joint development of hydrocarbon deposits in the law of the sea*. Berlin. Springer Verlag, Berlin, Heidelberg.
- Blyschak, P. M. (2013). Offshore oil and gas projects amid

maritime border disputes: Applicable law. *Journal of World Energy Law and Business*, 6(3), 210-233.

Briscoe, J., Prows, P. (2014). The role of islands in the generation of boundaries at sea. In Schofield, C.H., Lee, S., Kwon, M.S. *The limits of maritime jurisdiction*. ed. Brill, Martinus Nijhoff Publishers, Bruxelles, The Netherlands.

Byers, M., Østhagen, A. (2018). Settling maritime boundaries: Why some countries find it easy, and others do not. In The International Ocean Institute-Canada (ed.). *The future of ocean governance and capacity development*. ed. Brill, Martinus Nijhoff Publishers, Bruxelles, The Netherlands, 162ss.

Caffio, F. (2016). The maritime frontier between Italy and France: A paradigm for the delimitation of Mediterranean maritime spaces. *Maritime Safety and Security Law Journal*, 2, 90-107.

Chevalier, C. (2005). Governance of the Mediterranean sea-outlook for the legal regime. Malaga: IUCN-Med: https://www.uicnmed.org/web2007/CDGovernance/conten/Infg_en_Gouver_Med/1_Gouver_%20Med_quest-ce-quecest/Le_regime_juridique/LegAspectsEN.pdf

Cottier, T. (2015). *Equitable principles of maritime boundary delimitation: The quest for distributive justice in international law*. Cambridge University Press, Cambridge.

Cragun, D., Pal, T., Vadaparampil, S. T., Baldwin, J., Hampel,

H., DeBate, R.D. (2016). Qualitative comparative analysis: A hybrid method for identifying factors associated with program effectiveness. *Journal of Mixed Methods Research*, 10(3), 251-272.

Del Vecchio Capotosti, A. (2008). In maiore stat minus: A note on the EEZ and the zones of ecological protection in the Mediterranean Sea. *Ocean Development and International Law*, 39(3), 287-297.

Delabie, L. (2018). The role of equity, equitable principles, and the equitable solution in maritime delimitation. In A. Oude Elferink, T. Henriksen, S. Busch (eds.). *Maritime boundary delimitation: The case law: Is it consistent and predictable?*. Cambridge University Press, Cambridge, 145ss.

Djaziri, S. (2018). La délimitation des espaces maritimes entre la Tunisie et l'Algérie. *Annuaire du Droit de la Mer* 2017, 22, 43-64.

Fischer, M., Maggetti, M. (2017). Qualitative comparative analysis and the study of policy processes. *Journal of Comparative Policy Analysis: Research and Practice*, 19(4), 345-361.

Grbec, M. (2013). *The extension of coastal state jurisdiction in enclosed or semi-enclosed seas: A Mediterranean and Adriatic perspective*. Routledge, London, New York.

Guilfoyle, D. (2015). The high seas. In D.R. Rothwell, A.G.O.

- Elferink, K.N. Scott, T. Stephens (eds.). *The Oxford handbook of the law of the sea*. Oxford University Press. Oxford, 203ss.
- Hollis, D.B. (2020). *The Oxford guide to treaties*. Oxford University Press, Oxford.
- Ioannides, N. (2019). Palestine takes to the sea: A commentary on Palestine's declaration concerning its maritime claims. *The NCLOS Blog*: <https://site.uit.no/nclos/2019/11/20/palestine-takes-to-the-sea-a-commentary-on-palestines-declaration-concerning-its-maritime-claims/>
- Jensen, O. (2020). *The development of the law of the sea convention. The role of international courts and tribunals*. Edward Elgar Publishers, Cheltenham.
- Liakopoulos, D. (2020). *The role of not party in the trial before the International Court of Justice*. ed. Maklu, Antwerp, Portland, 145ss.
- Liakopoulos, D. (2021). Jurisprudential and jurisdictional aspects applicable norms and decisions of the arbitral Tribunals of the law of the sea. *Revista Electrónica Cordobesa de Derecho Internacional Público*, vol. 1, 1-47.
- Lucchini, L., Voelckel, M. (1990). *Droit de la mer*. Éditions Pedone, Paris.
- Nemeth, S.C., Mitchell, S.M., Nyman, E.A., Hensel, P. R. (2014). Ruling the sea: Managing maritime conflicts through UNCLOS and exclusive economic zones. *International*

Interactions, 40(5), 711-736.

Nordquist, M. H., Grandy, N. R., Nandan, S. N., Rosenne, S. (1995). *United Nations Convention on the Law of the Sea 1982, Volume III: A Commentary*. ed. Brill/Martinus Nijhoff, Bruxelles, The Netherlands.

Notarbartolo-di-Sciara, G. and others (2008). The Pelagos sanctuary for Mediterranean marine mammals. *Aquatic Conservation: Marine and Freshwater Ecosystems*, 18(4), 368ss.

Ntabali, S., Lawrence, J. (2023). Delimitation of maritime zones within the international judicial reality and evolution of the law of the sea. *American Yearbook of International Law (AYIL)*, 2(1), 325-455.

O'Reilly, G. (1999). Gibraltar: Sovereignty disputes and territorial waters. *IBRU Boundary and Security Bulletin*, 7(1), 67-81.

Oude Elferink, A., Henriksen, T., Busch, S. (2018). The judiciary and the law of maritime delimitation: Setting the stage. In A. Oude Elferink, T. Henriksen, S. Busch (eds.). *Maritime boundary delimitation: The case law: Is it consistent and predictable?*. Cambridge University Press, Cambridge, 2ss.

Papanicolopulu, I. (2015). The Mediterranean sea. In Rothwell, D., Oude Elferink, A., G., Scott, K., Stephens, T. (eds.). *The Oxford handbook of the law of the sea*. Oxford University Press,

Oxford.

Prescott, V., Schofield, C.H. (2005). *The maritime political boundaries of the world*. 2nd Edition. Martinus Nijhoff Publishers, The Netherlands.

Prontera, A. (2017). *The new politics of energy security in the European Union and beyond: States, markets, institutions*. ed. Routledge, London, New York.

Rubin, A., Eiran, E. (2019). Regional maritime security in the eastern Mediterranean: Expectations and reality. *International Affairs*, 95(5), 979-997.

Schmitt, M. N. (1996). Aegean angst: A historical and legal analysis of the Greek-Turkish dispute. *Roger Williams University Law Review*, 2(1), 15-56.

Schofield, C. (2013). Departures from the coast: Trends in the application of territorial sea baselines under the law of the sea Convention. In Freestone, D. (ed.). *The 1982 law of the sea Convention at 30: Successes, challenges and new agendas*. ed. Brill, Martinus Nijhoff Publishers, Bruxelles, The Netherlands.

Scovazzi, T. (2012). Maritime boundaries in the Eastern Mediterranean sea. The German Marshall Fund of the United States. *GMFS*: <https://www.gmfus.org/publications/maritime-boundaries-eastern-mediterraneansea>

Scovazzi, T. (2016). Harlequin and the Mediterranean. In Wolfrum, R., Seršić, M., Šošić, T. (eds.). *Contemporary*

developments in international law. ed. Brill, Martinus Nijhoff, Bruxelles, The Netherlands, 292ss.

Scovazzi, T. (2018). International cooperation as regards protection of the environment and fisheries in the Mediterranean Sea. *Anuario Español de Derecho Internacional*, 34, 303ss.

Suárez de Vivero, J. L. S., Mateos, J. C. R., Kern, K. (2015). Marine governance in the Mediterranean sea. In M. Gilek, K. Kern (eds.). *Governing Europe's marine environment: Europeanization of regional seas or regionalization of EU policies*. Ashgate Publishing, London, 204-224.

Tanaka, Y. (2023). *The international law of the sea*. Cambridge University Press, Cambridge.

Treves, T. (2012). The high seas as potential exclusive economic zones in the Mediterranean. In Kohen, M., Kolb, R., Djacoba, L. (eds.). *Perspectives of international law in the 21st century/Perspectives du droit international au 21e siècle. Liber Amicorum Professor Christian Dominicé in Honour of his 80th Birthday*. ed. Brill, Martinus Nijhoff Publishers, 178ss.

Tziarras, Z. (2016). Israel-Cyprus-Greece: A “comfortable” quasi-alliance. *Mediterranean Politics*, 21(3), 407-427.

Vidas, D. (2009). The UN Convention on the law of the sea, the European Union and the rule of law: What is going on in the Adriatic sea?. *The International Journal of Marine and Coastal Law*, 24(1), 1-66.

Vidas, D. (2018). The delimitation of the territorial sea, the continental shelf, and the EEZ: A comparative perspective. In A. Oude Elferink, T. Henriksen, S. Busch (eds.). *Maritime boundary delimitation: The case law: Is it consistent and predictable?*. Cambridge University Press, Cambridge, 34-60.

Vukas, B. (2004). The Mediterranean: An enclosed or semi-enclosed sea?. In B. Vukas. *The law of the sea*. ed. Brill, Nijhoff, Bruxelles, The Netherlands, 282ss.

Yiallourides, C. (2019). *Maritime disputes and international law: Disputed waters and seabed resources in Asia and Europe*. Routledge, London, New York.